IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

And
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20297 of 2004

Between:

M/s. Sarvaraya Textile Limited, Kakinada, Represented by its Managing Director Sri S.B.P.S. Krishna Mohan .

..... PETITIONER

AND

1 Deputy Commercial Tax Officer (FAC) Gold Market, Kakainada.
2 Commercial Tax Officer, Jagannaickpur Circle, Kakinada.
3 Deputy Commissioenr of Commercial Tax Department, Kakinada Circle, Kakinada.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the first respondent in issuing Form-I Distraint order dated 26th October, 2004 for the assessment Year 2001-2002 CST as illegal, arbitrary and unconstitutional besides being violative of Principles of natural justice.

Counsel for the Petitioner: MR.A.K.JAISWAL

Counsel for the Respondent Nos.1 to 3: GP FOR COMMERCIAL TAX

The Court, at the stage of admission, made the following:

Oral order: (Per: The Hon'ble Mr. Justice Bilal Nazki)

Heard the learned counsel for the parties. The liability is not disputed. It is submitted by the petitioner that it agreed to discharge the liability by making payments by instalments every month. Admittedly, petitioner has failed to make payments through some of the instalments and now, according to it, there is a balance due of Rs. 3,00,000-00 (Rupees three lakhs only). The petitioner wants further time to make this payment, as the respondents have already issued a notice in Form No.I—Distraint order dated 26-10-2004.

After hearing the learned counsel appearing for the parties, we feel that it will be appropriate, in the interest of justice, if some more time is granted to the petitioner and accordingly we grant two months time from today to discharge the whole liability and for this purpose, the petitioner shall give an undertaking before the respondents within one week.

The writ petition is accordingly disposed of. No costs.

_____

BILAL NAZAKI, J

_____

S. ANANDA REDDY, J

Dt. 04-11-2004

Pvks/*

Nb: Operative portion by wire at party’s costs.

B/o pvks.

To

1 Deputy Commercial Tax Officer (FAC) Gold Market, Kakainada.
2 Commercial Tax Officer, Jagannaickpur Circle, Kakinada.
3 Deputy Commissioenr of Commercial Tax Department, Kakinada Circle, Kakinada.

4. 2CCs to the Government Pleader for Commercial Tax, A.P. High Court Buildings, Hyderabad.

5. 2CD copies

*Form-NIC-OGS/WP{**RLD**}*